

Remarks/Arguments:

Claims 1, 3, 8-14 and 22-26 are pending and stand rejected.

By this amendment claims 1, 3, and 14 are amended, claim 27 is added and claims 22-26 are cancelled without prejudice. Support for the claim amendments and new claim can be found throughout the original specification and, for example, at page 3, line 2 to page 4, line 29.

Rejection of Claims 1, 3, 8-14, 22-26 Under 35 U.S.C. §103(a)

In the Office Action, at item 3, claims 1, 3, 8-14, and 22-26 are rejected under 35 U.S.C. §103(a) as being unpatentable over Bertis (U.S. Patent No. 6,564,005) in view of Look et al (U.S. Patent No. 6,757,906) (hereafter referred to as Look).

Reconsideration is respectfully requested.

Claim 1

Claim 1 is directed to a recording and reproducing device having a program list recording part to record program information, and recites:

control input means for inputting a password for specifying one of the first or second recording parts ...

the program information is determined to be recorded in the first program list recording part or the second program list recording part by the control input means,

said program list recording part includes the first program list recording part whose information is stored responsive to input of a valid password ... and the second program list recording part whose information is stored when a user does not input said valid password,

the program list forming means are provided a plurality of indication modes, the plurality of indication modes including: (1) a first indication mode in which said program list is read from the first program list recording part; (2) a second indication mode, in which said program list is read from both the first program list recording part and the second program list recording part;

and (3) a third indication mode, in which said program list is read from the second program list recording part, to form the program list in accordance with a selected indication mode.

That is, the control input means determines whether the program information is to be recorded in the first program list recording part or the second program list recording part and, furthermore, the program list forming means forms the program list in accordance with a selected indication mode (e.g., one of the first, second or third indication modes). In the first indication mode, the program list is read from the first program list recording part. In the second indication mode, the program list is read from both the first and second program list recording parts. Moreover, in the third indication mode, the program list is read from the second program list recording part.

Bertis Reference

In the Office Action, at page 3, the Examiner acknowledges that "Bertis does not disclose a second program list recording part whose information is stored responsive to the controlling means when a user does not input said valid password."

It is also submitted that Bertis is silent regarding the "**second indication mode**" in which said program list is read from both the first program list recording part and the second program list recording part, as required by claim 1. This is because, as suggested by the Examiner's acknowledgement, Bertis is silent regarding anything related to a second program list recording part.

Look Reference

Look discloses the use of **only** a hard disk 105 (i.e., that the Examiner corresponds to the second program list recording part recited in claim 1) which can be used without regard to any password. Look, however, does not disclose or suggest "inputting a password for specifying one of the first or second recording parts." This is because, in Look passwords are not used, and thus, the password for specifying the first recording part or the second recording part is not disclosed or suggested. Moreover, because Look only includes the hard disk 105 and, in particular, does not include anything related to the first program list

recording part, Look does not disclose the use of a **second indication mode** "in which both the first program list recording part and the second list recording part are read ...," as required by claim 1.

More particularly, Bertis operates with only hard disk 220 (i.e., which the Examiner corresponds to the first program list recording part recited in claim 1) and Look operates with only hard disk 105 (i.e., which the Examiner corresponds to the second recording part recited in claim 1). Nothing in either Bertis or Look suggests a second indication mode because such an indication mode includes operations involving both the first and second program list recording parts.

Accordingly, it is submitted that claim 1 patentably distinguishes over Bertis in view of Look for at least the reasons set forth above.

Claim 14

Claim 14 includes similar but not identical patentably distinguishing feature to that of claim 1 and is submitted to be patentable for similar reasons to those of claim 1.

Claim 3 and 8-13

Claims 3 and 8-13, which include all of the limitations of claim 1, are submitted to be patentable for at least the same reasons as claim 1.

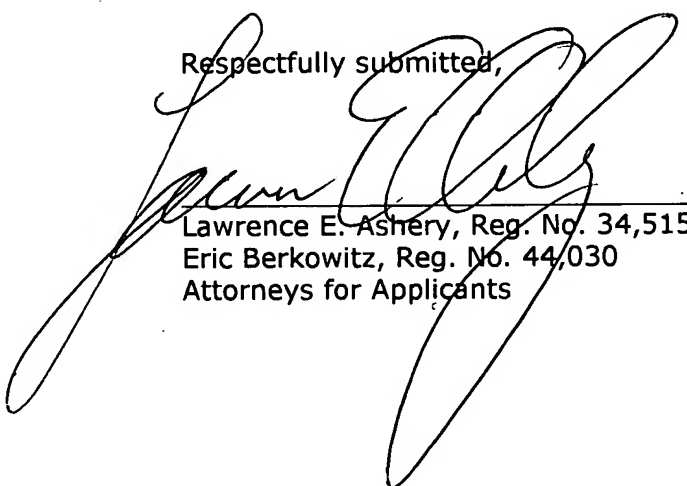
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Conclusion

In view of the claim amendments, new claim and arguments set forth above, this application is in condition for allowance, which action is respectfully requested.

Respectfully submitted,



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